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In the United States Patent and Trademark Office

Ser. Nr.: 10/823,524
Filed: April 12, 2004
Applicant(s): Ira Ekhaus
Title: Adjustable Exercise Ball
Examiner: TBA
Art Unit: 3764

Petition to Make Special

Assistant Commissioner of Patents and Trademarks

Washington, District of Columbia, 20231

Sir:

Applicant hereby respectfully petitions that the above application be made special under MPEP Sec. 708.02 for the following reason, as described in the attached declaration in support thereof:

- ☐ Manufacture Available*;
- ☒ Infringement Exists*;
- ☐ Applicant's Health is poor;
- ☐ Applicant's Age is 65 or Greater;
- ☐ Environmental Quality will Be Enhanced;
- ☐ Energy Savings Will Result;
- ☐ Recombinant DNA is involved*;
- ☐ Special Procedure : Search was Made*;
- ☐ Superconductivity is advanced;

Also enclosed with this petition is a check in the amount of \$ 130 as a Petition Fee pursuant to Rules 102 and 17(i).

A declaration of Ira Ekhaus in support of this petition is enclosed herewith.

Very respectfully.

Applicant(s): Ira Ekhaus

Attachment: Supporting Declaration And Petition Fee

C/o:

Ira Ekhaus
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Arlington, MA 02476

Tel: (781) 641 3295
EMAIL: ekhaus@synapcorp.com



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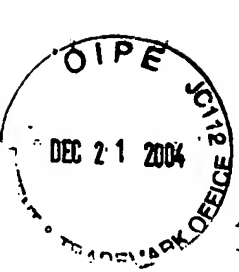
Declaration in Support of Accompanying Petition to Make Special

Reason II- Infringement Exists:

1. I am the inventor and applicant in the above-identified patent application.
2. The invention of the above application ("Kettlestack") involves an kettlebell handle with an adjustable kettlebell handle. I paced and sold several prototypes of the subject matter of the above patent application on the market. Attachment A shows a picture and structural elements of this prototype/embodiment of the invention, as it has been marketed under the title "Kettlestack Adjustable Kettlebell".
3. Subsequently, another product, ("Kettlegrip") has been offered for sale on the market by another company or individuals unrelated to me, and having no connection to the above patent application. This product is similar in structure and function to the present invention.
4. I believe that offer and sale of the Kettlegrip would constitute an infringement of the invention claimed and described in the above application. Information about the marketing and importing firm that is offering the "Kettlegrip" is listed in Attachment B.
5. It is believed that the "Kettlegrip" product contains and incorporates all of the following structural features and elements of the invention that is claimed and described in the above application:
 - an adjustable configuration that provides for a plurality of standard weight discs forming a weight stack with a central plate axis,
 - a supporting bar aligned along the plate axis, this axis being nominally parallel to the axis of the grip section of the handle,
 - a rounded grip section affording comfort,
 - thin attachment members that afford significantly reduced gaps between weight discs that straddle said attachment sections,
 - thin attachment members with flexible means, including but not limited to a pivot place away from the bottom of the handle to increase the mechanical compliance of the attachment members,
 - said attachment members with means to provide an adjustable distance between the grip section and the plate axis.

6. Attachment B is a print out of this web page http://ironwoodyfitness.com/Kettle_Grips/kettle_grips.html, which describes the "Kettlegrip" product, which is believed to infringe the claims of the pending patent application.
7. Attachment C is a printout of the known information about the management of IRONWOODY. Ironwoodyfitness.com, which offers "Kettlegrips" for sale within the US.
8. I hereby request that the Commissioner grant this petition to expedite the prosecution of the above patent application in order for me to be able to prevent the management of IRONWOODY from flooding the relatively small market for this type of product with its copies of the invention described and claimed in the pending application.
9. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

SECTION 10001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing there from.



A Embodiment of the present application, “the Kettlestack Adjustable Kettlebell”.

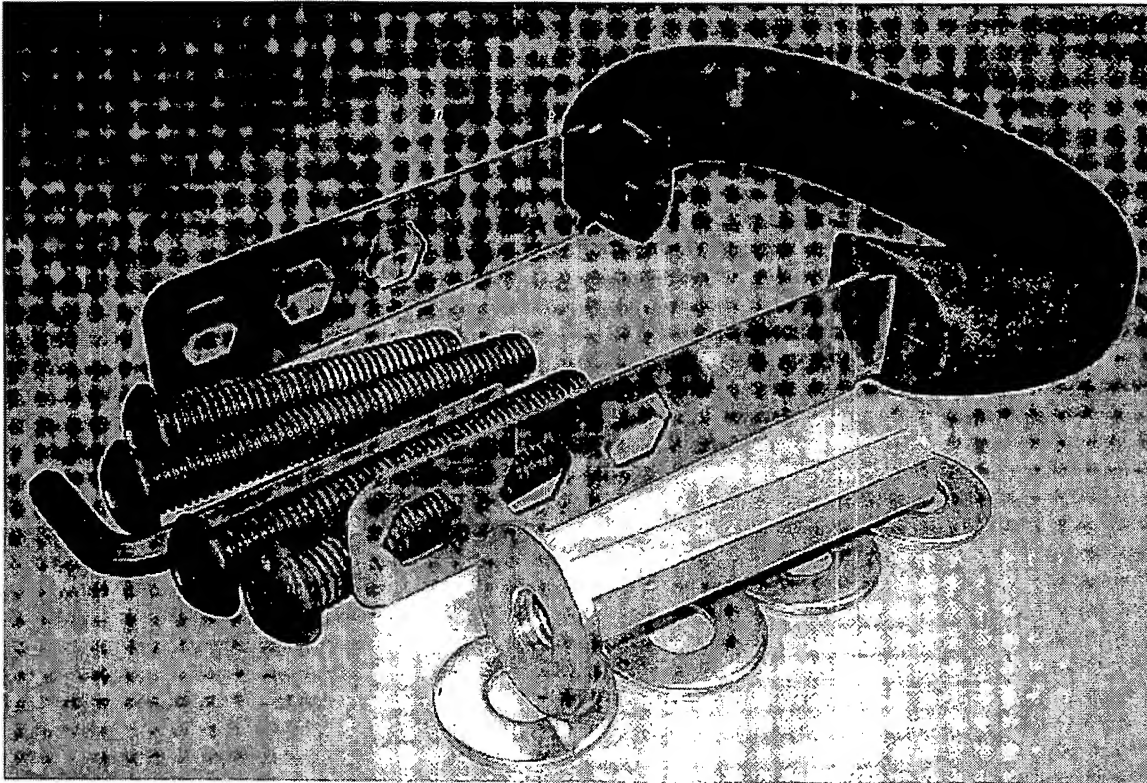



Image available here: <http://www.kettlestack.com/products/full/68.jpg>
Full details of embodiment here <http://www.kettlestack.com/level.itml/icOid/4>

B IRONWOODY WEB PAGE: “Kettle-Grips”:

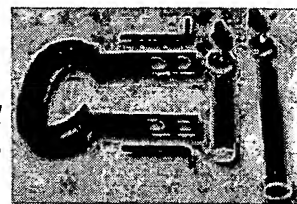


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We offer two models: the **Standard Kettle Grip™** (shown above) and a **Super Kettle Grip™** (shown right). The **Standard** comes with one weight shaft, weighs slightly over 2 lbs. unloaded, and can be adjusted up to 52 lbs. The **Super** comes with a short and long weight shaft, weighs just under 3 lbs. and can be loaded up to 93 lbs. Both **Kettle Grips™** come with a 1-year guarantee.



Iron Woody recommends purchasing a pair of the **Super Kettle Grips™** so you'll have any setup you might want covered. But we also offer any combination of Kettle Grips that will better fit your particular needs. (Note: Kettle Grips™ do not include weight plates.)

Alaskan, Hawaiian or International Shoppers: Please don't use the buttons below! E-mail us at info@IronWoodyFitness.com with your order, and we will send you an invoice with actual shipping charges.



Pair of Super Kettle Grips™
Price: \$89.95 plus s/h



One Super Kettle Grip™
Price: \$49.95 plus s/h



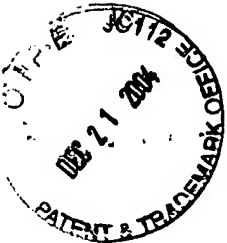
Pair of Standard Kettle Grips™
Price: \$69.95 plus s/h.



One Standard Kettle Grip™
Price: \$39.95 plus s/h



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C IRONWOODY WHOIS INTERNET INFORMATION:

Registration and WHOIS Service Provided By: directNIC.com

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directNIC makes this information available "as is," and does not guarantee its accuracy.

Registrant:

Iron Woody, LLC
PO Box 72
Somers, MT 59932, US 406-837-5441
Domain Name: IRONWOODYFITNESS.COM

Administrative Contact:

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Technical Contact:

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Record last updated 08-19-2004 04:08:50 PM

Record expires on 10-29-2005

Record created on 10-29-2003

Domain servers in listed order:

NS2.ZIPA.COM206.251.177.3
NS1.ZIPA.COM67.128.50.3
NS0.ZIPA.COM204.251.12.4

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